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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 JON MILLER, et al.,

11 Plaintiffs,

12 v.

13 MEDIA SERVICES ACQUISITION  
14 CORP., et al.,

15 Defendants.

CASE NO. C09-1425JLR

ORDER GRANTING MOTION  
TO DISMISS

16 This matter comes before the court on Plaintiffs' motion to dismiss their claims  
17 against Defendant Media Services Acquisition Corporation ("Media Services") without  
18 prejudice and without costs to any party. (*See* Dkt. # 101). No party has filed an  
19 opposition to Plaintiffs' motion. Having considered the motion, the balance of the  
20 record, and the governing law, the court GRANTS Plaintiffs' motion to dismiss (Dkt.  
21 # 101).

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1 Federal Rule of Civil Procedure 41(a)(2) provides that, after the opposing party  
2 has served either an answer or a motion for summary judgment, “an action may be  
3 dismissed at the plaintiff’s request only by court order, on terms that the court considers  
4 proper.” Fed. R. Civ. P. 41(a)(2). “A district court should grant a motion for voluntary  
5 dismissal under Rule 41(a)(2) unless a defendant can show that it will suffer some plain  
6 legal prejudice as a result.” *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir. 2001).  
7 Dismissals pursuant to Rule 41(a)(2) are without prejudice unless the order states  
8 otherwise. Fed. R. Civ. P. 41(a)(2).

9 Here, the court previously stayed Plaintiffs’ claims against Media Services due to  
10 Media Services’ bankruptcy filing. (*See* Dkt. # 31.) The bankruptcy proceedings have  
11 since been dismissed. (*See* Disclosure Statement (Dkt. # 102-3) at 3 (*In re Cohen*, No.  
12 10-16732, First Amended Disclosure Statement in Connection with Trustee’s Joint Plan  
13 of Liquidation under Chapter 11 of the Bankruptcy Code (April 13, 2013)).)

14 Accordingly, the court ORDERS that the stay (Dkt. # 31) is lifted.

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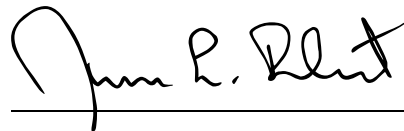
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1 No party has opposed Plaintiffs' motion, and the court has identified no plain legal  
2 prejudice against any defendant that would result from Plaintiffs' dismissal of the claims  
3 against Media Services. Accordingly, the court GRANTS Plaintiffs' motion to dismiss  
4 without prejudice their claims against Media Services (Dkt. # 101).

5 Dated this 30th day of June, 2014.

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8 JAMES L. ROBART  
9 United States District Judge  
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